

ATTACHMENT B

As stated in the cover letter, conditions establishing requirements for mitigation for well interference were originally included in staff's proposed Conditions of Certification (Exhibit 80). However, as the process involves the CPM and the physically impacted well owners and does not impose requirements on the project owner, staff believes it is more appropriate to include the language in the PMPD and the final Commission Decision as a directive to staff. As a result, staff recommends that the following language be included in the PMPD and the Commission decision as direction to staff. Those requirements that apply to the project owner (paying the appropriate amount of money into a mitigation fund, for example) are included as proposed conditions of certification (Attachment A).

*In order to be eligible for mitigation, owners of physically impacted wells, as defined in **SOIL & WATER 10**, shall have one year to respond to the notification provided pursuant to **SOIL & WATER 12**. To respond, notified physically impacted well owners must select a state-licensed pump and well contractor to evaluate the existing well, test the existing specific capacity of the well (or "baseline capacity"), and prepare a well evaluation report identifying the recommended mitigation and its cost to the CPM and the project owner. The mitigation recommended shall meet the following requirements:*

- If it is possible to lower the pump by an amount equal to or greater than the maximum calculated well interference, the recommended mitigation shall be limited to pump lowering.*
- If it is not possible to lower the pump unless the well is deepened, the recommended mitigation shall be limited to deepening the well and lowering the pump.*
- If neither pump lowering nor well deepening is feasible, the recommended mitigation shall be well replacement.*

The well evaluation report shall include:

- Contractor's license number*
- Results of baseline specific capacity test*
- Well depth*
- Depth of bowls (pump's intake mechanism)*
- Recommended mitigation*
- If modification involves work other than lowering the pump, an explanation of the reason for the recommended mitigation.*
- Estimate of labor, materials and other costs required to perform the recommended mitigation work.*

The CPM shall complete review of the well evaluation report within thirty days of submittal, and shall work with the physically impacted well owner, the licensed pump and well contractor, and the project owner to resolve any disputes about the appropriate mitigation for the well. With approval of the well evaluation report by the CPM, the well owner shall submit the invoice from the state-licensed contractor for the cost of the well

evaluation and the baseline specific capacity test to the CPM for payment. The CPM shall pay the invoice within thirty days of its receipt.

Within sixty days of the completion of the well mitigation measures approved by the CPM, and in any event no later than eight months after the CPM approves the implementation of mitigation for a well, the physically impacted well owner shall submit to the CPM an invoice from the state-licensed contractor for the approved well mitigation. The invoice shall include the cost of any mitigation approved by the CPM as well as a post-mitigation specific capacity test. The CPM shall pay the mitigation invoice within thirty days of receipt.

If the post-mitigation capacity test indicates that the pumping capacity of the modified well is at or above the baseline capacity, the mitigation for that well shall be considered complete. However, if the post-mitigation specific capacity test indicates that the pumping capacity of the modified well is below the baseline capacity, the physically impacted well owner may notify the CPM in writing that the approved mitigation was unsuccessful and that new mitigation will be required. The notification shall include the recommendation from the state-licensed pump and well contractor, consistent with the requirements identified above, for additional mitigation. The CPM shall complete review of the recommendation within thirty days. Within sixty days of the completion of the additional well mitigation measures approved by the CPM, and in any event no later than two months after the CPM approves the implementation of the additional mitigation for a well, the physically impacted well owner shall submit to the CPM an invoice from the state-licensed contractor for the approved well mitigation. The invoice can include the cost of any additional mitigation approved by the CPM and shall include a post-mitigation specific capacity test. The CPM shall pay the mitigation invoice within thirty days of receipt. These steps shall be completed until the post-mitigation capacity test indicates that the pumping capacity of the modified well is at or above the baseline capacity.

The CPM shall return all unused funds in the mitigation fund to the project owner at the completion of mitigation.